

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/586,325 Confirmation No.: 1838
Applicant : Ulf HOULBERG et al.
Filed : July 14, 2006
Title : **METHOD AND SYSTEM FOR COLORIMETRIC
DETERMINATION OF A CHEMICAL OR PHYSICAL
PROPERTY OF A TURBID MEDIUM**
Docket No. : 58982.000040
Customer No. : **21967**

MAIL STOP PCT

Attention: Office of PCT Legal Administration
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND REQUEST FOR RECONSIDERATION OF PETITION DECISION

Sir:

Applicants respectfully request reconsideration of the Petition Decision mailed on June 13, 2008 ("Petition Decision"), rejecting Applicant's Petition Under 37 CFR § 1.47(a). Specifically, the Petition Decision acknowledges that Applicant has provided inventor Dr. Joseph M. Sturino with a complete copy of the application and has requested Dr. Sturino's cooperation, but alleges that Applicant has not established that Applicant or Applicant's attorney requested Dr. Sturino's cooperation subsequent to presentation of the complete copy of the application.

Applicant believes that the evidence previously presented, when considered as a whole, clearly demonstrates that Dr. Sturino is an unreachable or non-cooperating inventor and that he has refused to execute the Declaration and Power of Attorney and Assignment documents provided for his review and execution (along with copies of the application as-filed). With respect thereto the previous Petition Decision mailed on February 19, 2008 indicated that all items required for a grantable petition under 37 CFR 1.47(a) had been provided except for "documentary evidence that a complete copy of the subject application, including specification, claims and drawings were forwarded and received by the nonsigning inventor". (See page 2, next

to last paragraph of February 19th Petition Decision). Therefore, in The Renewed Petition submitted in response to said Decision Applicant submitted on April 21, 2008 documentary evidence establishing that the nonsigning inventor was sent full copies of the application as-filed (including specification, claims and figures of US Patent Application 10/586,325). Notwithstanding this submission the Petitions Examiner issued another Decision denying the renewed Petition on June 13, 2008 which indicated that this documentary evidence was insufficient because it had not been established from the cover letter provided that the nonsigning inventor had again been asked to sign the assignment and declaration and power of attorney documents earlier provided for his review and signature. However, Applicant respectfully maintain that this submission addressed and satisfied the only item indicated to be deficient in the February 19th Decision.

Therefore, based on the June 13 Petition Decision, on July 22, 2008 Applicant's representatives yet again sent to Dr. Sturino by certified mail at his last known address, 4403 Spring Branch, College Station, TX 77845 a package including (1) a copy of the application as filed; (2) a copy of the preliminary amendment filed with the application; (3) a Declaration and Power of Attorney for his signature; and (4) a letter requesting that he execute the Declaration and Power of Attorney. A copy of the letter is included with this Petition, along with a signed return receipt showing that the package was successfully delivered on July 26, 2008. The cover letter requested that he sign and return these documents and that if we do not obtain these signed documents or hear from him by August 1, 2008 that we will take measures to proceed without his cooperation. To date we have not received the executed documents from Dr. Sturino, nor have we or Applicant been contacted by Dr. Sturino. This cover letter, return receipt and Applicant's other previous communications to Dr. Sturino demonstrate that a diligent effort has been made to reach Dr. Sturino and persuade him to join in the application. However, Dr. Sturino has yet again failed to respond.

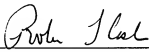
The PCT Attorney Advisor indicates in the Petition Decision that the remaining requirements of 37 CFR § 1.47(a) were completed with Applicant's previous submissions. Based on the foregoing, Applicants respectfully submit that the sole basis for denying the Renewed Petition submitted on April 21, 2008 is moot and that this application should be transferred to the Technology Group for examination on the merits. It is believed that no fees are

necessary as this response is timely. However, in the event that any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: 8/12/08

By: 
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July 22, 2008

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CONFIDENTIAL

FILE NO.: 58982.000040

VIA REGISTERED MAIL

Joseph Sturino, Ph.D.
4403 Spring Branch Court
College Station, TX 77845

RE: U.S. Patent Application Serial No. 10/586,325
Method And System For Colormetric Determination Of A Chemical Or Physical
Property Of A Turbid Medium
Inventors: Ulf Houlberg, Peer Herbsleb, and Joseph Sturino

Dear Dr. Sturino:

My firm is handling U.S. Patent Application No. 10/586,325, for which you are listed as an inventor, on behalf of Chr. Hansen.

I understand that Klaus Hagen sent you a letter on March 26, 2008 enclosing copies of the patent application, and that you had previously been sent a Declaration and Power of Attorney for that application. I also understand that, to date, you have refused to execute those papers.

The copy of the application that was sent to you on March 26, 2008 is for your review and use, so that you can properly execute the papers that were previously sent to you. As you may be aware, an inventor's signature on a patent application Declaration indicates that he or she has reviewed the patent application in question.

For your convenience, enclosed are copies of the patent application as filed in the United States Patent and Trademark Office, including a preliminary amendment, together with a Declaration and Power of Attorney. We respectfully request that you review the application and execute and return the Declaration and Power of Attorney at your earliest convenience. If you do not contact us by August 1, 2008, we will assume that your position remains unchanged, and that you effectively refuse to execute the papers. In that case, we will take further action to proceed in these applications without your signature or assent.

If we are forced to proceed with these applications without your signature or assent, you may receive communications from the United States Patent and Trademark Office or other

**HUNTON &
WILLIAMS**

Joseph Sturino, Ph.D.

July 22, 2008

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international authorities to that effect. If you have questions regarding any of the above, we suggest that you direct those questions to a competent patent attorney or agent.

Best regards,



Robin L. Teskin

Enclosures:

Patent application as filed

Preliminary amendment

Declaration and Power of Attorney

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 or PO Box No. College Station, Tx 77845
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PS Form 3811, February 2004

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